

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 20-cr-0182 (WMW/DTS)

Plaintiff,

**ORDER**

v.

Deshawn Tyrone Braziel,

Defendant.

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Before the Court is Plaintiff United States of America's motion for a final order of forfeiture. (Dkt. 81.) For the reasons addressed below, the motion is denied without prejudice.

On August 25, 2020, a grand jury indicted Defendant Deshawn Tyrone Braziel on three counts of being a felon in possession of a firearm. Braziel pleaded guilty to one count of being a felon in possession of a firearm on August 6, 2021. As part of his plea agreement, Braziel agreed to forfeit (1) a Ruger .380 handgun, serial number 371530915; (2) a Kahr PM40 handgun, serial number JB3582; (3) a Springfield XD-9 handgun, serial number GM912908; and (4) all ammunition seized therewith.

The United States moved for a preliminary order of forfeiture on December 9, 2021, seeking forfeiture of the Springfield XD-9 handgun, serial number GM912908 (the Springfield). The Court granted the motion on December 16, 2021. As part of that order, the Court directed the United States to publish and give notice of the preliminary order of

forfeiture, pursuant to 21 U.S.C. § 853(n)(1). The United States published notice pursuant to the preliminary order of forfeiture beginning on December 18, 2021.

By statute, “[a]ny person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States . . . may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property.” 21 U.S.C. § 853(n)(2). On January 12, 2022, Angus Knowles filed a timely petition for the return of the Springfield. Knowles alleges that he bought the Springfield on March 28, 2015, and that it was subsequently stolen from him.

Because Knowles filed a petition within the time period prescribed by 21 U.S.C. § 851(n)(2), the United States’s petition for a final order of forfeiture is denied without prejudice.

### **ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff United States of America’s motion for a final order of forfeiture, (Dkt. 81), is **DENIED WITHOUT PREJUDICE**.
2. The Court will hold a hearing on Angus Knowles’s petition on June 8, 2022, at 2:15 p.m., in Courtroom 7A of the Saint Paul Federal Courthouse, located at 316 Robert Street North, Saint Paul, Minnesota.

Dated: May 13, 2022

s/Wilhelmina Wright  
Wilhelmina M. Wright  
United States District Judge